IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

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WRIT PETITION NO : 6707 of 1995

Between:

Sri Gorinka Venkateswara Rao S/o. Sahadevudu
r/o. Visakhapatnam District. **..... PETITIONER**

AND

District Collector
Visakhapatnam. **.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction, preferably Writ of Mandamus, declaring the action of the respondent in acquiring plot No. 5, belonging to the petitioner, admeas. 367 sq. yards, situated at Aganampudi in Kurmannapalem village, Vizag District, without notice and without paying compensation to the petitioner, for the prupose of laying road, which is worth Rs.73,400/- as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent to pay the compensation of Rs.73,400/- to the petitioner.

Counsel for the Petitioner: MR.K.VINAYA KUMAR

Counsel for the Respondent: GP FOR REVENUE

The Court made the following :

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ORDER:

The grievance of the petitioner is that his land admeasuring 367 square yards at Kurmannapalem village, Visakhapatnam District, worth Rs.73,400/- was taken possession of, by the respondent for laying the road.

On last occasion when this case came up, it was found that counter-affidavit was not filed. Therefore, the learned Counsel for the respondent sought time to get instructions. Today he submitted that in the village in question, some lands were acquired for which compensation had already been deposited in the Court. But the petitioner in the writ petition has not at all mentioned Survey Number under which his land falls. Therefore, he would not be in a position to say whether the petitioner's land was acquired and if so whether compensation was sanctioned in his favour.

Petitioner in his writ petition has stated that he had purchased one plot No.5 measuring 367 sq yards. It is difficult for the respondents to pin point as to whether this plot No.5 was at all acquired or not.

In this view of the matter, no orders can be passed in this writ petition. However, keeping in view the interest of justice, I permit the petitioner to make a representation to the District Collector, Visakhapatnam for payment of compensation, if he still has a grievance. If such a representation is made, that shall be decided by the respondent within one month of its representation.

Writ Petition is accordingly disposed of. No costs.

2nd September, 2004

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Copy to:

1.District Collector
Visakhapatnam.

2.Two CCs to the G.P. for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

3. Two CD copies.